

**DRAFT – This represents the current Phase 1 draft – name-related background check only, no fingerprint cards or federal checks with this first policy.**

## **ITRMC Information Technology Policies**

### **P4000 SECURITY POLICIES - GENERAL**

Category: P4200 - **Background Investigations for IT Personnel**

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#### **I. AUTHORITY**

Authority: Idaho Code § 67-5745 (A) (B) (C)

Idaho Code § 67-23-XXX (Draft Legislation)

#### **II. ABSTRACT**

The purpose of this policy is to provide some measure of surety that Information Technology (IT) personnel, who often have considerable access to highly sensitive information protected by Federal and State regulations, are worthy to be trusted to protect that information. Background investigations, while not guaranteeing an individual's reliability, can help IT managers ensure they are entrusting the network and its information to IT professionals who are deserving of that trust. This policy sets a minimum standard for agencies to conduct background investigations on prospective IT employees; some agencies require a higher standard or more in-depth investigation in order to meet their specific State or Federal mandates.

#### **III. POLICY**

This policy affects all state employees, hired in an IT position, which will or may hold system, network, Organizational Unit, Domain, Enterprise administrative rights and permissions hired on or after \_\_\_\_\_ 20\_\_ as well as current employees who hold Enterprise Administrator rights.

Human Resources (HR) responsibilities described in this policy should be performed only by certified HR personnel.

1. All IT personnel or hired contractors in the State of Idaho who hold Enterprise Administrator Rights must consent to a criminal background investigation in order to be considered for continued Enterprise Administrator Rights or for any opportunity for promotion.
2. All final applicants for IT positions in the State of Idaho, or contractors which will work in IT administrator related positions for the State of Idaho must consent to a criminal records background investigation in order to be considered for any position, contract work or opportunity for promotion.
3. All IT personnel who apply for other IT positions or promotions in the State of Idaho must consent to a criminal records background investigation in order to be considered for any position with system administrator rights or opportunity for promotion.
4. An Applicant who refuses to consent to any form of required background investigation, refuses to provide information necessary to conduct the background investigation or provides false or misleading information in regard to the background investigation will not be considered for the position for which he/she has applied.
5. Any Applicant who has been hired, appointed or promoted and is subsequently found to have provided false or misleading information related to the background investigation will be subject to disciplinary action, up to and including dismissal.
6. Agencies should consider conducting credit and motor vehicle history checks if doing so is in the interest of their agency business.
7. Contractors who have had a criminal records background check within three years of accepting a contract with the State of Idaho may provide the results of that background investigation.

#### **IV. OVERALL PROCEDURES**

##### **A. Enforcement**

This policy is enforced and monitored through each agency with auditing by the Office of the CIO authorized.

##### **B. Applications**

All IT position applicants and contractors who apply for an IT position or contract shall be subject to the background investigation policy.

##### **C. Job Announcements**

The following statement is posted on the State employment web site for IT positions:

“The State of Idaho performs background investigations as a condition of employment for all prospective IT personnel. The investigations are initiated at the request of the hiring/appointing authority prior to making any job offer. Applicants will be asked to provide

personal data and sign a release form before the investigations are conducted. Applicants who fail to provide the data and consent will not be considered for employment, appointment, or promotion. Background investigations always include review of criminal records, but some agencies require motor vehicle, civil and financial/credit records review.”

The following statement should be included in all IT related announcements, whether open competitive or internal promotional, for any position with system administrator rights.

**“To be hired, candidates will be subject to:**

- Completing a Background Investigation Questionnaire and pre-employment drug testing
- Having a name-based criminal background check.
- Felonies, misdemeanors, illegal drug usage, DUI's, adverse driving convictions and employment history may make you ineligible for employment.”

#### **D. Procedures for Background Investigations**

1. Upon the identification of finalist(s), the agency HR will have the Applicant complete and submit to the hiring authority a completed Name Based Criminal Background Check Form

[http://www.isp.state.id.us/identification/crime\\_history/documents/NamecheckOnline.pdf](http://www.isp.state.id.us/identification/crime_history/documents/NamecheckOnline.pdf).

a. The agency HR will then submit the form to the Idaho State Police Bureau of Criminal Identification along with a \$10 check made out to the Idaho State Police.

1) The request may be hand delivered or mailed to the Bureau of Criminal Identification. Please keep in mind the bureau does not telephone or fax results.

2) The Bureau of Criminal Identification warns that agencies should allow ample time for processing, as requests are processed on a first come basis. Each agency will determine if an individual will be hired pending the results of the Background Check, based on their own agency needs. However, no system administrator rights may be given to the individual until they receive a favorable background check.

b. Agency HR will hold and handle the forms in a secure manner as required for protecting personal information in order to prevent misappropriation of personal identifying information as described in Title 18, Chapter 31.

3. Each agency or bureau may determine that they will require stricter approval standards than those included in this policy, but none may be more lenient. Furthermore, these standards will be subject for review by the Office of the CIO or agencies involved in the Public Safety of Idaho citizens. All agencies must take responsibility to protect the state's network since an IT employee with administrative rights can negatively affect agencies other than the hiring agency. Every effort should be made to ensure that the background investigation does not impede the hiring or appointment process. According to the Bureau of Criminal Identification,

most background investigations can be completed within a few days, but a delay may occur.

#### 4. Notice of Completion of a Background Check

HR will determine if the applicant has passed the background check based on the criteria in paragraph E and specific agency guidelines. HR will then notify the hiring/appointing authority of the Pass/Fail results in writing (e-mail is considered appropriate), and must provide no other details of the background check.

Applicants who receive a disqualification notice will be notified that they might not be considered for the position, provided a copy of the report, and given a specified time period in which to respond.

#### 5. Disagreement with information found in the background information or request for reconsideration

a. Applicants who disagree with the accuracy of the information found in the background investigation process may submit additional information in writing to the agency HR questioning the accuracy of any information that the Applicant identifies as incorrect. The additional information from the Applicant must be received by HR and hiring management within five (5) calendar days after the date the Background Investigation Notification Letter is sent. The final decision regarding the hiring or promotional opportunity will not occur until the five-day period has elapsed. HR will advise the Applicant in writing as to what, if any, decision has been made regarding the hiring or promotional opportunity.

b. Applicants who are disqualified by the background investigation and who believe that there are extenuating circumstances that should be considered by the HR Office may submit a written request for reconsideration. The hiring/appointing authority is not required to stop the hiring or appointment process for another Applicant while considering the request of the Applicant for reconsideration for extenuating circumstances. HR will take the following issues into account when reconsidering an applicant's disqualification status on the criminal background investigation:

(1) whether the convictions were disclosed during the application process;

(2) the nature and gravity of the offense(s) (if related to a data breach, abuse of IT administrative rights, crimes against employers or similar conduct, the reconsideration request should be denied);

(3) the time that has elapsed since the conviction and/or the completion of the sentence and any other remediation;

(4) the nature of the position.

## 6. Background Investigation Records

- a. Copies of passing Background Investigation Notification Letters will be placed in the personnel files.
- b. For Applicants who are disqualified, background check information will be held in accordance with specific statutes (XX-XXXXX).
- c. For Applicants who do not pass the promotional background check, the notification letter will be maintained in their personnel file as long as they remain in an IT position.

### E. Pass/Fail Criteria for Background Investigations

1. The following guidelines are provided for the types of background investigations. More specific criteria may be determined at the time of the position announcement by the hiring/appointing authority, in consultation with HR. The process of determining more specific criteria is intended to match the pass/fail criteria to the position's duties and responsibilities and not to dilute the standard passing criteria for background investigations. Stricter criteria must be in accordance with specific agency policies.

2. These criteria are based on convictions and not arrest records. Sealed records will not be accessed. A "conviction" means a verdict, a guilty plea or a Nolo Contendere ("No Contest") plea. As a minimum standard, an Applicant will be considered to have "passed" the criminal background investigation if he/she meets *all* of the criteria listed below:

- a. No felony convictions for drug use or distribution in the ten (10) years immediately preceding the submission of his/her application for employment or promotion at IT.
- b. No felony convictions for violent crimes.
- c. No convictions for data breaches or similar IT administrator associated misconduct or misconduct against an employer or government entity.
- d. Circumstances where convictions are found to be less serious or not related in any way to the applicants ability to be an IT administrator, a good public servant and a reliable, trustworthy employee. The criteria to be considered in this analysis include, but are not limited to:
  - (1) whether the convictions were disclosed on the application form;
  - (2) the nature and gravity of the offense(s);
  - (3) the time that has elapsed since the conviction and/or the completion of the sentence and any other remediation;
  - (4) the nature of the position the Applicant will hold and information the Applicant will be responsible to protect.

### F. Confidentiality

1. Information obtained for the purpose of and during the background investigation, will be retained by HR separately from other employment.
2. Each agency HR has the authority and discretion to discuss questionable or incomplete background investigation results the agency Deputy Attorney General to ensure the intent of the policy is met.

#### **IV. CONTACT INFORMATION**

For more information, contact the ITRMC Staff at (208) 332-1876.

#### **V. TIME LINE**

Effective Date: \_\_\_\_\_ 2009.

#### **VI. REVISION HISTORY**